

Carla D. Macaluso, Esq. (Bar ID #018141996)
R. Shane Kagan, Esq. (Bar ID #011842009)
JACKSON LEWIS P.C.
220 Headquarters Plaza
East Tower, 7th Floor
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(973) 538-6890
Attorneys for Defendant Bancorp of New Jersey, Inc.

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

LEO J. FARESICH,	:	Civ. Action No.
	:	
Plaintiff,	:	
	:	
vs.	:	NOTICE OF COMPLIANCE WITH 28
	:	U.S.C. § 1446(d)
BANCORP OF NEW JERSEY, INC., A	:	
Banking Corporation for New Jersey And	:	
Holding Company for BANK OF NEW	:	
JERSEY,	:	
	:	
Defendant.	:	

TO: William T. Walsh, Clerk of Court
USDC for the District of New Jersey
Martin Luther King Building
& U.S. Courthouse
50 Walnut Street
Newark, NJ 07101

Leonard S. Miller, Esq.
Leonard S. Miller, P.A.
12-67 River Road
Fair Lawn, NJ 07410

Pursuant to the requirements of 28 U.S.C. § 1446(d), on September 26, 2017, a Notice of Filing of Petition for Removal, a true copy of which is attached hereto as Exhibit 1, has been sent to the Clerk of the Superior Court of New Jersey, Law Division, Bergen County for filing.

Respectfully submitted,

JACKSON LEWIS P.C.
220 Headquarters Plaza
East Tower, 7th Floor
Morristown, New Jersey 07960
(973) 538-6890

By: /s/ Carla D. Macaluso
Carla D. Macaluso
R. Shane Kagan
Attorneys for Defendant
Bancorp of New Jersey, Inc.

Dated: September 26, 2017

4822-2284-0654, v. 1

EXHIBIT 1

Carla D. Macaluso, Esq. (Bar ID #018141996)
R. Shane Kagan, Esq. (Bar ID #011842009)
JACKSON LEWIS P.C.
220 Headquarters Plaza
East Tower, 7th Floor
Morristown, NJ 07960
(973) 538-6890
Attorneys for Defendant Bancorp of New Jersey, Inc.

LEO J. FARESICH,	:	SUPERIOR COURT OF NEW JERSEY
	:	LAW DIVISION: BERGEN COUNTY
Plaintiff,	:	
vs.	:	DOCKET NO. BER-L-5323-17
	:	
BANCORP OF NEW JERSEY, INC., A	:	Civil Action
Banking Corporation for New Jersey And	:	
Holding Company for BANK OF NEW	:	
JERSEY,	:	NOTICE OF FILING OF NOTICE FOR
	:	REMOVAL
Defendant.	:	

TO: Clerk, Superior Court of New Jersey
Bergen County Courthouse
10 Main Street
Hackensack, NJ 07601

Leonard S. Miller, Esq.
Leonard S. Miller, P.A.
12-67 River Road
Fair Lawn, NJ 07410

PLEASE TAKE NOTICE that on September 26, 2017, Defendant Bancorp of New Jersey, Inc. ("Defendant") electronically filed a Notice for Removal of this action to the United States District Court for the District of New Jersey with that court.

PLEASE TAKE FURTHER NOTICE that in accordance with 28 U.S.C. § 1446, Defendant is submitting a true and correct copy of that Notice for Removal, which is attached hereto as Exhibit A, for filing with the Superior Court of New Jersey, Law Division, Bergen County.

Respectfully submitted,

JACKSON LEWIS P.C.
220 Headquarters Plaza
East Tower, 7th Floor
Morristown, New Jersey 07960
(973) 538-6890

By: s/ Carla D. Macaluso
Carla D. Macaluso
R. Shane Kagan
Attorneys for Defendant
Bancorp of New Jersey, Inc.

Dated: September 26, 2017

4826-4227-1054, v. 1

EXHIBIT A

Carla D. Macaluso, Esq. (Bar ID #018141996)
R. Shane Kagan, Esq. (Bar ID #011842009)
JACKSON LEWIS P.C.
220 Headquarters Plaza
East Tower, 7th Floor
Morristown, NJ 07960
(973) 538-6890
Attorneys for Defendant Bancorp of New Jersey, Inc.

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

LEO J. FARESICH,	:	Civ. Action No.
	:	
Plaintiff,	:	
	:	
vs.	:	NOTICE FOR REMOVAL OF CASE
	:	FROM THE SUPERIOR COURT OF
BANCORP OF NEW JERSEY, INC., A	:	NEW JERSEY, LAW DIVISION,
Banking Corporation for New Jersey And	:	BERGEN COUNTY
Holding Company for BANK OF NEW	:	
JERSEY,	:	
	:	
Defendant.	:	

TO: William T. Walsh, Clerk of Court
USDC for the District of New Jersey
Martin Luther King Building
& U.S. Courthouse
50 Walnut Street
Newark, NJ 07101

Leonard S. Miller, Esq.
Leonard S. Miller, P.A.
12-67 River Road
Fair Lawn, NJ 07410

Pursuant to 28 U.S.C. §§ 1331, 1441(c), and 1446, Defendant, Bancorp of New Jersey, Inc. ("Defendant") respectfully submits this Notice of Removal ("Notice") of a case from the Superior Court of New Jersey, Law Division, Bergen County, bearing Docket No. BER-L-5323-17, and states as follows as grounds for removal:

1. On August 8, 2017, Plaintiff Leo J. Faresich ("Plaintiff") filed a civil action captioned Leo J. Faresich v. Bancorp of New Jersey, Inc., Docket No. BER-L-5323-17 (the "State Action"), in the Superior Court of New Jersey, Law Division, Bergen County.

2. Defendant accepted service of the Summons and Complaint on August 30, 2017. A true and correct copy of the Complaint in this matter is attached hereto as Exhibit A.

3. This action arises out of Plaintiff's claims in his Complaint of (1) violation of the federal Age Discrimination in Employment Act ("ADEA") for termination of Plaintiff's employment; (2) violation of the New Jersey Law Against Discrimination ("LAD") for termination of Plaintiff's employment; (3) violation of the ADEA for discriminating against Plaintiff in employment benefits; (4) violation of the LAD for discriminating against Plaintiff in employment benefits; and (5) discrimination against Plaintiff in providing larger and economically better severance packages to other employees of equal and lesser standing and position.

4. The Summons and Complaint constitute all pleadings, process, and other documents provided to Defendant in this action. The Complaint was the initial pleading received by Defendant setting forth the claims upon which Plaintiff's action is based.

5. This Notice is timely filed under 28 U.S.C. § 1446(b), because Defendant has effected removal within thirty (30) days of acknowledgment of service/receipt of a paper from which it first could be ascertained that this action is removable.

6. Defendant has not filed an answer or other pleading in the Superior Court of New Jersey, or made any appearance or argument with the State Court.

7. Removal is proper under 28 U.S.C. § 1441(a), because this Court has original jurisdiction of this action pursuant to 28 U.S.C. § 1331, as this action involves claims that relate to the laws of the United States – specifically, the ADEA, 29 U.S.C. §623.

8. To the extent any of Plaintiff's claims do not relate to the ADEA, this Court nevertheless has supplemental jurisdiction over those claims pursuant to 28 U.S.C. §§ 1367 and 1441(c).

9. Venue is proper in this Court.

10. Defendant submits this Notice of Removal without waiving any defenses to the claims asserted by Plaintiff, including Plaintiff's failure to state any claims upon which relief may be granted.

11. Pursuant to 28 U.S.C. § 1446(d), a copy of this Notice of Removal is being served upon all parties and filed with the Clerk of the Superior Court of New Jersey, Law Division, Bergen County.

12. By copy of this document and in accordance with the Certificate of Service, Defendant is providing notice to all Parties in this action of the filing of this Notice of Removal pursuant to 28 U.S.C. § 1446(d).

WHEREFORE, Defendant respectfully requests that the within action, now pending in the Superior Court of New Jersey, Law Division, Bergen County, be removed to the United States District Court for the District of New Jersey.

Respectfully submitted,

JACKSON LEWIS P.C.
220 Headquarters Plaza
East Tower, 7th Floor
Morristown, NJ 07960
(973) 538-6890

By: /s/ Carla D. Macaluso
Carla D. Macaluso
R. Shane Kagan
Attorneys for Defendant
Bancorp of New Jersey, Inc.

Dated: September 26, 2017
4817-1958-9710, v. 1

EXHIBIT A

LEONARD S. MILLER, P.A.
P.O. Box 1126
12-67 River Rd.
Fair Lawn, NJ 07410
201-796-1594
Attorneys for Plaintiff,
Bar Id. # 21511965

LEO J. FARESICH

Plaintiff

Civil Action

SUPERIOR COURT OF NEW JERSEY
COUNTY OF BERGEN
FINANCE DIVISION
SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: BERGEN COUNTY
Docket #

COMPLAINT AND JURY DEMAND

v.

BANCORP OF NEW JERSEY, INC.,
A Banking Corporation of New Jersey
And holding Company for
BANK OF NEW JERSEY,

Defendant(s)

LEO J. FARESICH, by way of complaint against the Defendant(s) says:

BACKGROUND

1. Plaintiff, LEO J. FARESICH, (Plaintiff or Faresich) is a resident of the State of New Jersey.
2. BANCORP OF NEW JERSEY, INC., is a banking corporation of New Jersey and is a holding company for Defendant, BANK OF NEW JERSEY (hereinafter both referred to as "Bank").
3. Faresich was hired by the Bank during its formation and was then employed in the capacity of Executive Vice President and Chief Lending Officer after the formal formation of the Bank.

SUPERIOR COURT
FILED
AUG 8 2017

RECEIVED

AUG - 8 2017

SUPERIOR COURT OF NEW JERSEY
COUNTY OF BERGEN
FINANCE DIVISION

RECEIVED
AUG 1 2017

RECEIVED

2017 AUG - 8 P 3 25

DATE FILED	8/8/17
PAYMENT #	5415
CA	<input checked="" type="radio"/> CC <input type="radio"/> MO <input type="radio"/> CG
AMOUNT	\$250
PAYOR	Miller
BATCH/REF/CASE#	138

SUPERIOR COURT BERGEN COUNTY - 6323-17
FILED
AUG 08 2017

RECEIVED
AUG 11 2017

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618
DTC

pe

4. Faresich had many years of experience in the Banking Industry at the time of his hire.

5. Plaintiff was instrumental in bringing the Bank to approval and as a member of the Banking Community of the State of New Jersey.

6. Plaintiff is and was a member of a protected class as defined under the Federal Age Discrimination in Employment Act 29 USC 623 and under the New Jersey Law against Discrimination, N.J.S.A. 10: 5-12.

7. Bank terminated the employment of the Faresich on April 26, 2016 by reason of his age.

8. Bank also discriminated against Faresich in compensation or in terms, conditions or privileges of employment;

FIRST COUNT

9. Plaintiff repeats and realleges Paragraphs 1 through 9 as though set forth at length and made a part hereof.

10. The Acts and Conduct of the Bank in terminating the Employment of Faresich constituted a violation of the Federal Age Discrimination in Employment Act.

Wherefore, Plaintiff demands Judgment against the Defendants as follows:

- a. For damages;
- b. For punitive and exemplary damages;
- c. For attorneys fees and costs of suit
- d. For such other relief as the Court deems just and proper under the circumstances.

SECOND COUNT

11. Plaintiff repeats and realleges Paragraphs 1 through 10 as though set forth at length and made a part hereof.

12. The Acts and Conduct of the Bank in terminating the Employment of the plaintiff constitute a violation of the New Jersey Law against discrimination on the basis of age.

Wherefore, Plaintiff demands Judgment against the Defendants as follows:

- e. For damages;
- f. For punitive and exemplary damages;
- g. For attorneys fees and costs of suit
- h. For such other relief as the Court deems just and proper under the circumstances.

THIRD COUNT

13. Plaintiff repeats and realleges Paragraphs 1 through 12 as though set forth at length and made a part hereof.

14. The acts of the Defendant Bank in discriminating as against the Plaintiff in Employment benefits constitute a violation of the Federal Age Discrimination in Employment Act.

Wherefore, Plaintiff demands Judgment against the Defendants as follows:

- i. For damages;
- j. For punitive and exemplary damages;
- k. For attorneys fees and costs of suit

For such other relief as the Court deems just and proper under the circumstances

FOURTH COUNT

15. Plaintiff repeats and realleges Paragraphs 1 through 14 as though set forth at length and made a part hereof.

16. The acts of the Defendant Bank in discriminating as against the Plaintiff in Employment benefits constitute a violation of the New Jersey Law against Discrimination on the basis of age;

Wherefore, Plaintiff demands Judgment against the Defendants as follows:

- l. For damages;
- m. For punitive and exemplary damages;
- n. For attorneys fees and costs of suit

For such other relief as the Court deems just and proper under the circumstances

FIFTH COUNT

17. The Defendant unlawfully discriminated against the Defendant in providing larger and economically better severance packages to other employees of equal and lesser standing and position in the Bank than the Plaintiff.

Wherefore, Plaintiff demands Judgment against the Defendants as follows:

- o. For damages;
- p. For punitive and exemplary damages;
- q. For attorneys fees and costs of suit

For such other relief as the Court deems just and proper under the circumstances.

DEMAND FOR TRIAL BY JURY

Plaintiff hereby demands a trial by jury as to all issues so triable.

DESIGNATION OF TRIAL COUNSEL

The undersigned attorney for Plaintiff hereby designates Leonard S. Miller, Esq., as trial counsel in the above captioned action.

LEONARD S. MILLER, P.A.
Attorney for Plaintiff

DATED: August 7, 2017

BY:

A handwritten signature in black ink, appearing to be 'L. S. Miller', written over a horizontal line.

Leonard S. Miller, Esq.

CERTIFICATION PURSUANT TO RULE 4:5-1

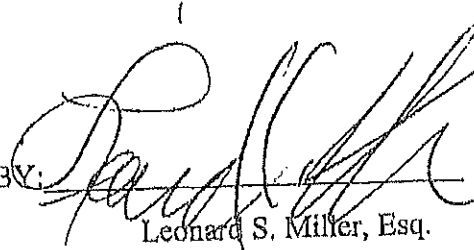
The undersigned attorney for Plaintiffs hereby certifies as follows:

1. The above captioned action is not the subject of any other actions pending in any Court or of a pending arbitration proceedings.
2. No other actions or arbitration proceeding is contemplated by this office.
3. There are no other parties known to me who should be joined in this action.

The statements contained herein are true to the best of my information, knowledge and belief. I am aware that any statements made by me are intentionally false I am subjected to punishment.

LEONARD S. MILLER, P.A.
Attorney for Plaintiff

DATED: August 7, 2017

BY: 
Leonard S. Miller, Esq.